

Exhibit "A"

Grievance # 16 – 072

Grievance # 16 – 072

Inmate; Agee, J'Kendric

Grievance Accepted

Word of your experience on 08/24/2016 quickly made its way back to the kitchen. From what you described to me earlier today, the kitchen staff found an additional five bags of potato chips that were similarly damaged.

The kitchen prepares a fair amount of kosher meals to be served each day and I am not aware of anyone else having shared your experience. The kitchen did locate those five additional bags with what appeared to be pin holes in them. As you described to me there wasn't any air in the bag. The bag with its seal destroyed provided the ants with an avenue to enter. It required handling the bag in closer proximity than just picking it up and putting it into a paper bag in order to recognize there was an issue.

The kitchen destroyed the stock, cleaned the area and filed a formal complaint with the vendor.

Officer Wade reacted to your raw emotions. Officer Wade could not possibly have fully appreciated how those raw emotions were generated. Officer Wade did report what had occurred to you.

Lt. J. Gleason

Lt. J. Gleason

09/01/2016.

Exhibit
"B"

FORM 1140SHU (7/11)
Ref. Dir. #4910

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

REPORT OF STRIP FRISK
ON ADMISSION TO SHU OR MHU CELL/ROOM

DATE: 2/28/18

TIME: 11:00 AM

INMATE NAME:

Abec, Kendrick

DIN:

08B1474

FRISK

LOCATION:

SHU-D 1A-3

TO BE COMPLETED BY THE PERSON(S) CONDUCTING THE FRISK/SEARCH.

NAME/RANK OF PERSON(S) CONDUCTING FRISK:

1) Corvucci

2)

- If Other Staff are Present, List Name/Rank, and Explain Why Their Presence was Necessary and Who Authorized Their Presence:

CO Boney, no signature, Co Mayor - Sgt Doreilly authorized due to inmate not being cooperative upon initial admission to SHU

RESULTS OF SEARCH:

NCP

WAS FORCE REQUIRED TO COMPLETE THE SEARCH? ☐ YES ☒ NO

SIGNATURE: C.O. St. Maurice

Orig. IRC cc: Captain cc: DSS

Exhibit "C"

PAGE 1

STATE OF NEW YORK
DEPT OF CORRECTIONS AND COMMUNITY SUPERVISION
UNUSUAL INCIDENT REPORTPRINTED AT
03/04/16 08:16 AM

AUBURN GENERAL

FAC CODE 010

FAC LOG# 160060

CCC# 248735

CB LOG# 160047

INCIDENT DATE 02/28/16 TIME 09:20 AM LOCATION CELL

OD 07 27S

TELEPHONE DATE 02/28/16 TIME 11:24 AM

PERSON CALLING

LT

T. QUINN

PERSON RECEIVING

CAPT

JEREMIAH BROOKS

REPORT DATE 02/29/16

PERSON REPORTING LT

T. QUINN

USE OF FORCE NO

WEAPON USED NO

WORKPLACE VIOLENCE NO

CONTRABAND

(03) 17

WEAPON - RAZOR BLADE
*****DESCRIPTION:

CO.VINCENT PAT FRISKED INMATE AGEE 08B1474 D-7-27 PRIOR TO GOING TO
KEEPLOCK RECREATION.DURING THE FRISK THE HAND HELD METAL DETECTOR WENT OFF
ON THE INMATE'S WAISTBAND OF HIS PANTS.CO.VINCENT RECOVERED A STATE ISSUED
RAZOR BLADE 2"x1/2" BLACK TAPE HANDLE AND SHEATH.NO FURTHER CONTRABAND
RECOVERED DURING THE FRISK,SGT.VANFLEET NOTIFIED.
THE PAT FRISK WAS CONDUCTED DIRECTLY IN FRONT ON THE INMATE'S CELL.

EVENTS CAUSING:

ON 2/28/16, INMATE AGEE 08B1474 HAD A RAZOR BLADE TYPE WEAPON CONCEALED IN
THE WAISTBAND OF HIS PANTS, AS HE WAS ABOUT TO GO TO KEEPLOCK RECREATION.

ACTION TAKEN:

WEAPON WAS PHOTOGRAPHED AND SECURED PER 4910A.INMATE WAS MOVED TO SHU.
SGT.DONNELLY COMPLETED FORM 3152 TRIGGER #14 WAS NOTED.MHU RN.CORNALL
NOTIFIED.INMATE WAS MOVED TO THE FACILITY HOSPITAL PLACED ON A 1:1 SUICIDE
WATCH.PER MHU.INMATE'S CELL WAS FRISKED PER SGT.VANFLEET,NCF.ALL REPORTS

PAGE 2

STATE OF NEW YORK
DEPT. OF CORRECTIONS AND COMMUNITY SUPERVISION
UNUSUAL INCIDENT REPORT

PRINTED AT
03/04/16 08:16 AM

AUBURN GENERAL

FAC CODE 010

FAC LOG# 160060

CCC# 248735

CB LOG# 160047

INCIDENT DATE 02/28/16 TIME 09:20 AM LOCATION CELL 0D 07 27S

USE OF FORCE NO WEAPON USED NO WORKPLACE VIOLENCE NO

ACTION TAKEN:

FILED.OD.DSA FENNESSY NOTIFIED.

(CONTINUED)

MEDICAL REPORT:

N/A

PROPERTY DAMAGE:

N/A

NOTIFICATION (FAMILY):

N/A

NOTIFICATION (POLICE/OTHER):

N/A

INMATE INFORMATION:

AGEE, JKENDRIC

08B1474 DOB 08/10/1991 ETHNIC- BLACK

GEN INCIDENT - SPECIFIC INCIDENT	ROLE	WEAPON	FORCE	INJURY
CONTRABAND - WPN-RAZOR BLADE	PERP			

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STATE OF NEW YORK
DEPT OF CORRECTIONS AND COMMUNITY SUPERVISION
UNUSUAL INCIDENT REPORTPRINTED AT
03/04/16 08:16 AM

AUBURN GENERAL

FAC CODE 010

FAC LOG# 160060

CCC# 248735

CB LOG# 160047

INCIDENT DATE 02/28/16 TIME 09:20 AM LOCATION CELL 0D 07 27S

USE OF FORCE NO WEAPON USED NO WORKPLACE VIOLENCE NO

EMPLOYEE INFORMATION:

VANFLEET, RAY P

SGT

GEN INCIDENT - SPECIFIC INCIDENT
CONTRABAND - WPN-RAZOR BLADEFORCEINJURYDEGREE

VINCENT, KEITH E II

CO

GEN INCIDENT - SPECIFIC INCIDENT
CONTRABAND - WPN-RAZOR BLADEFORCEINJURYDEGREE

CORNALL, NOREEN A

OMH

GEN INCIDENT - SPECIFIC INCIDENT
CONTRABAND - WPN-RAZOR BLADEFORCEINJURYDEGREE

DONNELLY, PATRICK N

SGT

GEN INCIDENT - SPECIFIC INCIDENT
CONTRABAND - WPN-RAZOR BLADEFORCEINJURYDEGREE

CONTRABAND INFORMATION:

CB LOG# 160047

CB DATE 02/28/2016 09:20AM LOCATION CELL

0D 07 27S

ITEM 001 WPN-RAZOR BLADE METAL

NUMBER OF ITEMS 1

RECOVERED BY: CO VINCENT, KEITH E II

RECOVERED FROM: INMATE 08B1474 AGEE, JKENDRIC

DESCRIPTION:

1-STATE ISSUED RAZOR BLADE 2"X1/2" BLACK TAPE HANDLE AND SHEATH. RECOVERED
FROM THE WAIST BAND OF THE INMATE'S PANTS.

PAGE 4

STATE OF NEW YORK
DEPT OF CORRECTIONS AND COMMUNITY SUPERVISION
UNUSUAL INCIDENT REPORT

PRINTED AT
03/04/16 08:16 AM

AUBURN GENERAL

FAC CODE 010

FAC LOG# 160060

CCC# 248735

CB LOG# 160047

INCIDENT DATE 02/28/16 TIME 09:20 AM LOCATION CELL

OD 07 27S

USE OF FORCE NO

WEAPON USED NO

WORKPLACE VIOLENCE NO

SPT HAROLD GRAHAM
SUPERINTENDENT

03/04/16
DATE

Exhibit
"D"

STATE OF NEW YORK

COUNTY OF CAYUGA

3/8/16

CITY

COURT

CITY

of AUBURN

10301

Defendant: NA

(Relationship to alleged victim)

Alleged Victim: NA

(Relationship to defendant)

THE PEOPLE OF THE STATE OF NEW YORK

- VS. -

Date of Birth

JKENDRIC AGEE

08/10/1991

Defendant(s)

16-0258

DA COPY

BE IT KNOWN THAT, by this FELONY COMPLAINT, BRETT E STOVERas the Complainant herein, STATIONED at SP AUBURNaccuses the above mentioned Defendant(s), with having COMMITTED the FELONYof POSS DANG CONTRABND PRISON-1STin violation of Section 205.25Subdivision 02 of the PENAL

Law of the State of New York.

That on or about 02/28/2016 at about 09:20 AMin the CITY of AUBURN, County of CAYUGA, the defendant(s)

did intentionally, knowingly and unlawfully commit the felony of KNOWINGLY MAKE/POSSESS DANGEROUS CONTRABAND IN PRISON-1ST DEGREE. A person is guilty of promoting prison contraband in the first degree when: 2. Being a person confined in a detention facility, he knowingly and unlawfully makes, obtains or possesses any dangerous contraband. Promoting prison contraband in the first degree is a class D felony.

On the aforementioned time and date the above name defendant was found to be in possession of a razor blade that measured approximately two inches long by one half inch wide with a tape handle and sheath. Said weapon was located during a frisk conducted in front of the defendant's cell (D-7-27) at Auburn Correctional Facility which is located at 135 State Street in the City of Auburn, County of Cayuga and State of New York.

All contrary to the statutes made and provided herein.

The above allegations of fact are made by the Complainant herein on direct knowledge and/or upon information and belief, with the sources of Complainant's information and the grounds for belief being the facts contained in the attached SUPPORTING DEPOSITION(s) of: CORRECTIONS OFFICER VINCENT

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the State of New York punishable as a Class A Misdemeanor. (PL 210.45)

Affirmed under penalty of perjury

this 08TH day of MARCH, 2016

-OR-

Subscribes and sworn to before me this _____ day of _____, 20____

COMPLAINANT -

INV. 
T.M. B.S.

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Office of Correctional Services

Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

MEMORANDUM

To:

SGT. Vanfleet

From:

C.O. K. Vincent

Subject:

Inmate Agee, T. #08-B1474 - 4416-0060

Date:

2-28-16

While \pm CO. Vincent was working D-block 2nd officer I was wandering inmates as they were going out to PK rec. I wandered inmate Agee #08B1474 the wand sounded on inmate Agee's right front waist band, at that time I frisked the right front waist band area and found a razor type weapon wrapped in a black tape with a black type sheath. The razor appeared to be a state issue razor blade weapon measured 2" long by 1/2" wide. weapon was placed in evidence locker per directive 4910A.

Respectfully submitted,

Exhibit
"E"

TABLE 1
UNUSUAL INCIDENTS: SEPTEMBER 2015 - SEPTEMBER 2016
INCIDENT TYPE BY MONTH

INCIDENT TYPE	AUBURN													
	SEP15	OCT15	NOV15	DEC15	JAN16	FEB16	MAR16	APR16	MAY16	JUN16	JUL16	AUG16	SEP16	
CONTR.-UTILITY RAZORBLD	0	0	0	0	0	0	0	0	0	0	0	0	0	
CONTR.-RAZOR BLADE	2	2	1	4	6	4	3	0	3	2	1	1	1	
CONTR.-CAN LID	0	1	1	2	6	0	1	0	1	5	0	2	0	
CONTR.-ICE PICK	1	2	1	0	6	1	2	0	1	0	0	1	0	
CONTR.-MGT CLOTH	0	0	1	0	1	1	2	0	0	0	0	0	0	
CONTR.-TOOTHBRUSH	1	0	1	0	1	1	0	2	7	0	0	0	0	
CONTR.-SCALPEL/EXACTO BLDE	3	0	0	5	0	1	6	0	0	0	0	0	0	
CONTR.-COCAINE	1	0	0	0	0	1	0	0	0	0	0	0	0	
CONTR.-HEROIN	0	4	1	0	0	1	1	1	0	0	6	0	1	
CONTR.-MARIJUANA	3	3	1	0	3	1	4	0	0	0	0	4	3	
CONTR.-PRSCRIP DRUG	0	4	2	0	2	1	3	1	0	3	0	1	0	
CONTR.-OTHER DRUG	0	0	0	0	0	1	0	0	0	0	0	0	5	
CONTR.-SYNTHETIC DRUG	4	5	6	5	10	17	4	1	3	4	6	3	0	
CONTR.-CELL PHONE	0	0	0	0	0	0	0	1	0	0	0	0	0	
CONTR.-OTHER ELECTRONIC DEV	1	0	0	0	0	0	0	0	0	0	0	0	0	
CONTR.-UI OTHER	0	0	0	0	0	0	0	0	1	0	0	0	0	
TOTAL	19	25	15	26	37	18	40	13	25	26	19	25	26	
DEATH														
DEATH-INM SUICIDE	0	0	0	1	0	0	0	0	0	0	0	0	0	
DEATH-INM UNKN	1	0	0	0	0	0	0	0	0	1	0	0	0	
TOTAL	1	0	0	1	0	0	0	0	0	1	0	0	0	
DISRUPTIVE BEHAVIOR														
DISBEH-REF. INSTR	0	0	0	0	1	1	0	0	0	0	0	1	0	
DISBEH-REF. STRP. FRSK	0	0	1	0	0	0	1	0	0	0	0	0	0	
DISBEH-CELL EXTR	0	3	1	0	0	0	1	1	5	2	1	0	3	
DISBEH-OTHER	1	1	1	0	0	0	1	0	1	0	0	0	0	
TOTAL	1	4	3	0	1	1	3	1	7	2	1	2	3	
UTILITIES DISRUPTION														
DISRUPT OF FACIL-POWER	0	0	0	0	0	0	0	0	0	0	0	0	1	
DISRUPT OF FACIL-BIOL THREAT	0	0	0	1	0	0	0	0	0	0	0	0	0	
TOTAL	0	0	0	1	0	0	0	0	0	0	0	0	1	
EMPLOYEE MISCONDUCT														
EMPLMIS-FEL. ARST. NON-DWI	1	0	0	0	0	0	0	0	0	0	0	0	0	
EMPLMIS-EMPL. MISCOND	1	0	1	1	0	0	0	0	0	0	0	0	0	

(continued)

Weapons = 122

TABLE 1
UNUSUAL INCIDENTS: SEPTEMBER 2015 - SEPTEMBER 2016
INCIDENT TYPE BY MONTH

INCIDENT TYPE	AUBURN												
	SEP15	OCT15	NOV15	DEC15	JAN16	FEB16	MAR16	APR16	MAY16	JUN16	JUL16	AUG16	SEP16
ACCIDENT	0	1	1	1	1	0	1	0	1	1	0	0	0
ASSAULT ON INMATE	6	2	2	6	1	5	7	5	1	7	4	8	10
ASSAULT ON STAFF	19	25	15	26	37	18	40	13	25	26	19	4	26
CONTRABAND	1	0	0	0	0	0	0	0	0	0	0	0	0
DEATH	1	4	3	0	1	0	3	1	7	1	1	2	3
DISRUPTIVE BEHAVIOR	1	0	0	1	0	0	0	0	0	0	0	0	0
UTILITIES DISRUPTION	2	0	0	1	0	0	0	0	0	0	0	0	0
EMPLOYEE MISCONDUCT	1	0	0	0	0	0	0	0	0	0	0	0	0
FIRE	1	0	0	0	0	0	0	0	0	0	0	0	0
PROPERTY LOST STOLEN	1	0	0	0	0	0	0	0	0	0	0	0	0
SELF-INFLICTED INJURY	1	0	0	0	0	0	0	0	0	0	0	0	0
SUICIDE ATTEMPT	1	0	0	0	0	0	0	0	0	0	0	0	0
STAFF USE OF WEAPONS	3	0	0	0	0	0	0	0	0	0	0	0	0
OTHER INCIDENTS	1	2	0	4	1	2	1	2	1	1	1	1	0
TOTAL	45	41	28	48	58	31	61	24	49	53	32	47	43
ACCIDENT	0	1	0	0	0	0	0	0	0	0	0	0	0
ACC.-BURNED BY OBJECT	0	0	0	0	0	0	0	0	0	0	0	0	0
ACC.-CUT BY OBJECT	0	0	0	0	0	0	0	0	0	0	0	0	0
ACC.-SLIP-FELL	0	0	0	0	0	0	0	0	0	0	0	0	0
ACC.-OTHER	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	1	0	0	0	0	0	0	0	0	0	0	0
ASSAULT ON INMATE	6	3	3	6	9	5	7	5	6	7	4	8	10
ASS.-INMATE	6	3	3	6	9	5	7	5	6	7	4	8	10
TOTAL	6	3	3	6	9	5	7	5	6	7	4	8	10
ASSAULT ON STAFF	0	0	0	0	0	0	0	0	0	0	0	0	0
ASS.-STAFF-CIV.	0	0	0	0	0	0	0	0	0	0	0	0	0
ASS.-STAFF-SEC/LE	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0
CONTRABAND	0	1	0	0	0	0	0	0	1	0	0	0	0
CONTR.-CASH	0	0	0	0	0	0	0	0	0	0	0	0	0
CONTR.-EXPLOSIVE	0	0	0	0	0	0	0	0	0	0	0	0	0
CONTR.-CUT-INTRU	0	0	0	0	0	0	0	0	0	0	0	0	0
CONTR.-WEAP.OTH.	0	0	0	0	0	0	0	0	0	0	0	0	0
CONTR.-SHANK	0	0	0	0	0	0	0	0	0	0	0	0	0
CONTR.-MANUFT.KNIFE	0	0	0	0	0	0	0	0	0	0	0	0	0

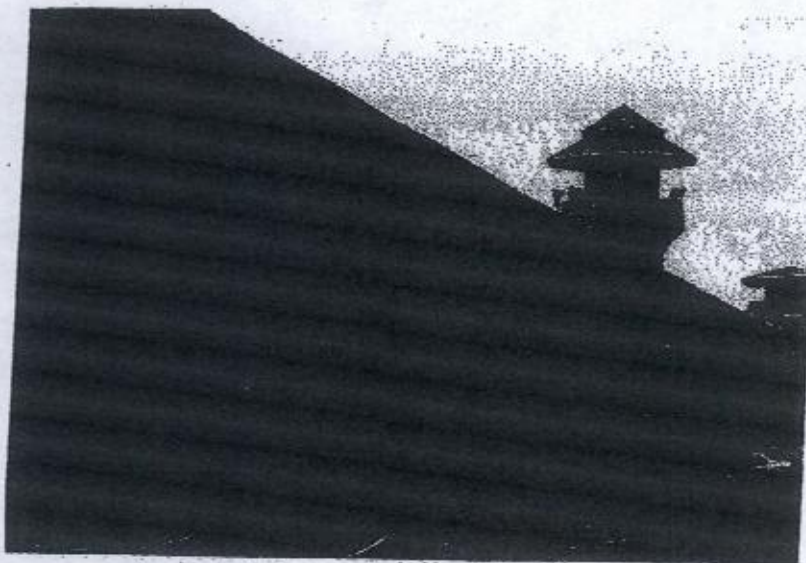
(continued)

Exhibit
|||

1/21/2017

DA: Auburn prison corrections officer planted weapon on inmate to break up a gang | syracuse.com

DA: Auburn prison corrections officer planted weapon on inmate to break up a gang



Auburn Correctional Facility, pictured in 2005. (C.W. McKeen / 2005)

By Katrina Tulloch | ktulloch@syracuse.com

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AUBURN, N.Y. -- An Auburn Correctional Facility **corrections officer who is under suspension** admitted to authorities he planted weapon on an inmate, according to Cayuga County District Attorney Jon Budelmann.

His led the DA's office and local judges to agree that any pending cases involving the officer's recovery of the weapon would be dismissed, Budelmann said in a news release today. Also, any cases where the defendants had already plead guilty would be vacated, he said.

The corrections officer admitted during trial preparation that he "put a weapon on an inmate" in order to break up a prison gang, Budelmann said.

ADVERTISING

1/21/2017

DA: Auburn prison corrections officer planted weapon on inmate to break up a gang | syracuse.com

The inmate was moved to another facility and was never charged criminally. The type of weapon was not identified.

The state's Department of Corrections and Community Supervision launched an investigation into the matter, which Budelmann said is still pending.

One corrections officer has been suspended and four are on administrative leave as part of an ongoing internal investigation at the Auburn prison, according to James Miller, spokesman for the New York State Correctional Officers & Police Benevolent Association, the union representing the corrections officers. He declined to discuss the case in more detail.

Thomas Mailey, a spokesman for the state Department of Corrections and Community Supervision, in an email said "currently there is an on-going investigation into an incident at the Auburn Correctional Facility and the department cannot comment further at this time."

Budelmann in his news release said there is nothing implicating any other corrections officers, than the one who admitted putting the weapon on the inmate.

"It would be unfair to discredit the reputation of the hundreds of other CO's who were not involved, due to the conduct of one," Budelmann wrote in the statement, adding that "the safety of both CO's and other inmates is paramount but must be consistent with all legal obligations."

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Exhibit

G

1/21/2017

5 Auburn prisoners cleared after guard's alleged admission to planting weapon | syracuse.com

5 Auburn prisoners cleared after guard's alleged admission to planting weapon

By John O'Brien | jobrien@syracuse.com

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on January 19, 2017 at 2:13 PM

AUBURN, N.Y. -- Five current or former Auburn state prisoners were cleared this week of charges that they possessed weapons behind bars because of a guard's alleged admission to **evidence-planting**.

The Cayuga County District Attorney's Office did not oppose the dismissal of one inmate's charges and the overturning of five others' convictions based on the admission of a corrections officer.

DA Jon Budelmann announced last month that a guard had admitted planting a weapon on an inmate. That inmate wasn't charged, the DA said.

ADVERTISING

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Budelmann sent a letter to judges that same day saying his office had credible evidence that Corrections Officer Matthew Cornell had planted a weapon on an inmate.

Based on that information, defense lawyers asked Cayuga County Court judges to overturn convictions of promoting prison contraband against Thomas Ozzborn, Jose Muniz, Donnesia Brown and Naythen Aubain. The judges granted those requests Tuesday and this morning.

Mon Moody, a lawyer for inmate Tyrell Ingram, asked a judge to drop a pending prison contraband charge against the prisoner because Cornell was the sole witness in the case. The judge granted that request today, Moody said.

1/21/2017

5 Auburn prisoners cleared after guard's alleged admission to planting weapon | syracuse.com

A sixth inmate, Sean Gaines, has also asked to have his prison contraband conviction overturned. That case is scheduled for next week.

Cornell, 33, of Auburn, denies the allegations of evidence-planting and says he never made any admission to prosecutors, according to his lawyer, Michael Vavonese.

State prison officials say they're investigating but would not comment further. Along with Cornell's suspension, two other guards were placed on administrative leave, state prison officials said.

Contact John O'Brien anytime | [email](#) | [Twitter](#) | 315-470-2187

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